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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,891	03/15/2001	Hideo Ando	204424US-2S	4189
22850	7590	02/25/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			NGUYEN, HUY THANH	
			ART UNIT	PAPER NUMBER
			2616	
DATE MAILED: 02/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/805,891

Applicant(s)

ANDO ET AL.

Examiner

HUY T NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27,37,38,40,41 and 44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27,37,38,40,41 and 44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03 February 2005 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 27,37-41 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al (6,470,135) .

Regarding claims 27, 37-41 and 44, Kim discloses an apparatus (Figs. 1, 3-5), column 3, lines 15-68) for recording and reproducing information on and from a recording medium, the recording medium information comprises data area for storing the stream data (column 3, lines 30-50), the stream data comprises a third data unit define a stream object, second data unit defines a stream object unit and first data unit defines a data packet of transport packets, the second data unit includes header information including time-related information (arrival time stamp information) of the first data unit area unit (Fig. 3). An arrival time block is considered as a header for a packet since the arrival time is placed at the front of a corresponding data packet and used for controlling the corresponding packet.

Kim further teaches recording management information on a management area used for access the stream information during a reproduction mode (column 5, lines 38-50).

Further for claim 41, Kim teaches reproducing means for reproducing the recorded data from the medium (column 5, lines 60-68, column 7).

Applicant argues that "Kim relates to a method and apparatus for recording MPEG data streams to a digital video disc (DVD). Kim describes that the data stream is grouped into stream object units. The SOBUS include transport stream packets (TS Pktn) having transport stream (SOBUs), packet arrival times. However, as shown in Figure 3, although transport packets have headers, the SOBUS do not include any header, much less a header including reception time-related information. Accordingly, it is respectfully submitted that Kim does not teach or suggest a second data unit" as

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recited in Claim 27. Therefore, as Kim fails to disclose or suggest the features of Claim 27, it is respectfully submitted that Claim 27 and new Claim 44 dependent therefrom) is patentable over Kim. As Claims 37, 38, 40, and 41 recite similar features to Claim 27, it is further respectfully submitted that Claims 37, 38, 40, and 41 also patentably define over Kim."

In response, it is submitted that Kim teaches the recited second unit SOBUs including a header having reception time related information since each SOBU comprising at least a data pack that has a pair of a reception time stamp (arrival time stamp) and a data packet. The arrival time information is located in the front of a corresponding data packet and is used for controlling processing of the data packet, the arrival time information is considered as header information of the packet and second unit. The arrival time block is header of a second unit since the second unit includes the first units.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 27, 37-38, 40-41 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroshima et al (5,801,781) in view of Lenihan (et al (6,169,843) and Miwa (6,285,825).

Regarding claims 27 , 37-38 ,40-41 and 44 , Hiroshima discloses an apparatus (Figs. 5-7, column 6) for recording and reproducing stream information on and from a data area of recording medium (column 13 lines 60-68, column 14, lines 47-50), the stream information comprises a third data unit defines a stream object ( stream program) , the third data unit comprises a second data unit defining a data unit of a stream object unit (a pack) , the second data unit comprises a first data unit defining a data unit of a transport packet (Figs. 6,7) , the second data unit includes a header information ( presentation time stamp and decoding time stamp ) including time-related information of the first data unit.

Hiroshima fails to teaches using reception time with a data pack.

Lenihan teaches a recording and reproducing apparatus for recording stream data on a medium having a reception time stamp providing means for providing the data pack with a reception time information (arrival time stamp ATS) (column 7, lines 30-40, column 8, lines 1-6, Fig. 7) .

It would have been obvious to one of ordinary skill in the art to modify Hiroshima with Lenihan by providing the apparatus of Hiroshima with a reception time stamp as taught by Lenihan for providing each of data pack with a reception time stamp thereby accurately accessing and processing the data .

Hiroshima fails to teach recording management information in a management area of the recording medium .

Miwa teaches a recording/ reproducing apparatus having a control means for generating management information used for accessing the stream object and for

recording the management information in a management area of a medium that is different from a data area (Fig. 14, column 16, lines 30-65) and using the management information for accessing the recorded data units in a reproducing mode .

It would have been obvious to one of ordinary skill in the art to modify Hiroshima with Miwa by providing the apparatus of Hiroshima with a control means as taught by Miwa for generating management information and recording the management information in a management area different from the data area in order to facilitate accessing the stream information during a reproduction mode .

Applicant argues that that Hiroshima and Miwa fail to teach the second data unit since both Hiroshima and Miwa fail to teaches reception time information . However, it is noted that using reception time information for data packs is well known in the art as taught by Lenihan . Therefore the combination of Hiroshima , Lenihan and Miwa teaches a second data unit having a header including reception time related information .

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yoo et al teaches apparatus for recording reception time information in the data units .

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N

  
HUY NGUYEN  
PRIMARY EXAMINER